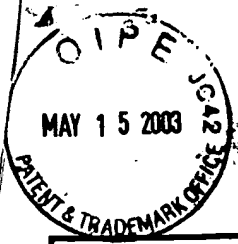


REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>6/19/03</u>		2 Serial/Patent # <u>10/052,164</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/>	Petition	#5	5-15-03	\$ 1300.
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 1300.
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
	Overpayment	Credit Deposit A/C #:		
	Duplicate Payment	9 02--2664		
	No Fee Due (Explanation):			
Petition Dismissed as moot				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: _____		TITLE: <u>RS</u>		
SIGNATURE: <u>Patrice Bond</u>		PHONE: <u>3086911</u>		
OFFICE: <u>Office of Petitions</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>Chad Kelly</u>		DATE: <u>7/1/03</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



5-19-03

#5 \$DAC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR
INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

3399P089

First Named Inventor: Steve Holmgren

Application No.: 10/058,164

Art Unit: 2175

Filed: January 25, 2002

Examiner: *Popovici, Dow*

Title: Algorithm for Dynamic Selection of Data Locking Granularity

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9283

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)**

Adj. Patent date: 00/00/0000
05/21/2003 SLUANG1 00000028 10058164
01 FC:1453 -1300.00 DP
Repl. Ref: 07/01/2003 AKELLEY 0013475700
DAH: 22666 Name/Number: 10058164
FC: 204 \$1300.00 CR

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1300.00 (37 CFR 1.17(m)).

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently filed foreign or international application is November 27, 2002.

SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Based on Form PTO/SB/64a (05-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 5/13/03.

RECEIVED

MAY 22 2003

OFFICE OF PETITIONS

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.

May 15, 2003

Date

Telephone

Number: (408) 720-8300


Signature

Jordan M. Becker, Reg. No. 39,602

Typed or printed name & Registration No.

Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025

Enclosures: ☒ Fee Payment
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Submission of Petition for Revival and Notice of Foreign Filing

This correspondence is being sent via express mail (Express Mail No. EV341064180US).

**SUBMISSION OF PETITION FOR REVIVAL**

Docket Number:

3399P089

First named inventor: Steve Holmgren

Application No.: 10/058,164

Art Unit: 2175

Filed: January 25, 2002

Examiner: *Petrov*
~~Petrov, D.~~

Title: Algorithm for Dynamic Selection of Data Locking Granularity

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

5/15/03
Date*Jordan M. Becker*
Signature

Telephone

Number: (408) 720-8300Jordan M. Becker

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

12400 Wilshire Blvd.

Seventh Floor

Los Angeles, CA 90025

Telephone Number: (408) 720-8300

39,602

Registration No.

This correspondence is being sent via express mail (Express Mail No. EV341064180US).**RECEIVED**

MAY 22 2003

OFFICE OF PETITIONS